

REMARKS

Applicants submit this Request for Reconsideration After Final in reply to the final Office Action mailed May 4, 2006. As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the withdrawal of the finality of the Office Action mailed January 4, 2006.

On pages 3-4 of the final Office Action, claims 1-3, 12, 14, 15, and 17-24 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,142,980 to Schalk ("Schalk"). Applicants respectfully traverse this rejection.

Schalk does not disclose or suggest the invention as claimed in independent claim 1. For example, independent claim 1 recites a suction adapter having a manifold with a suction port and first and second device ports. "[A] flexible flow valve [has] an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port." Schalk does not disclose or suggest at least these aspects of the claimed invention either alone or in combination with the other aspects of the claimed invention.

Schalk discloses a control valve assembly 10 that includes an inlet section 20 with inlet passage 36, an outlet section 24 with outlet passage 48, a poppet valve 74, and a vacuum relief valve 76. Duckbill valve 50 is disposed between inlet section 20 and outlet section 24. During operation, "[d]uckbill valve 50 is operable to permit fluid flow from inlet passage 36 to outlet passage 48 while preventing fluid flow in the opposite direction from outlet passage 48 to inlet passage 36." (Col. 3, lines 9-13). Poppet valve 74, in its open position, establishes a flow pathway to vent pressure from

outlet passage 48 to ambient. Vacuum relief valve 76 "limit[s] the vacuum level within outlet passage 48 to a preselected maximum negative pressure valve by permitting ambient air to be introduced through a vacuum portion 78 into outlet passage 48." (Col. 3, line 65 through col. 4, line 12).

On page 2 of the final Office Action, the Examiner appears to assert that the opening adjacent outlet passage 48 corresponds to the claimed "suction port," the opening adjacent inlet passage 36 corresponds to the claimed "first device port," an opening associated with vacuum relief valve 76 corresponds to the claimed "second device port," and duckbill valve 50 corresponds to the claimed "flexible flow valve." Even assuming *arguendo* that these relationships are correct, Schalk does not disclose or suggest, "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port."

Schalk does not disclose any fluid flow between the opening adjacent inlet passage 36 (the alleged first device port) and an opening associated with or leading to vacuum relief valve 76 (the alleged second device port). All fluid flow from these openings in the Schalk device is towards the opening adjacent outlet passage 48. In fact, the Schalk device is specifically configured to permit such fluid flow and **not** permit fluid flow between the opening adjacent inlet passage 36 and any opening associated with or leading to relief valve 76. Specifically, duckbill valve 50 only permits fluid flow from inlet passage 36 to outlet passage 48 while preventing fluid flow in the opposite direction. Thus, when suction is applied at passage 48, valve 50 opens and all fluid

entering passage 36 proceeds to passage 48. No fluid flow, however, proceeds from passage 36 to relief valve 76, because relief valve 76 only permits the introduction of ambient air to control negative pressure. And, the ambient air that enters from valve 76 necessarily flows to passage 48. Duckbill valve 50 prevents the ambient air to flow to passage 36 and its adjacent opening. Valve assembly 10 of Schalk therefore is specifically configured to not allow any flow between the opening adjacent passage 36 and relief valve 76.

For at least these reasons, Schalk does not disclose or suggest at least "a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port." Applicants respectfully request withdrawal of the Section 102(e) rejection based on Schalk.

On pages 4-6 of the final Office Action, claims 1-3, 12-15, 17-20, 23, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,346,477 to Edwards et al. ("Edwards"), and claims 4-11 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Edwards. Applicants respectfully traverse these rejections.

Edwards does not disclose or suggest the invention as claimed in independent claim 1. Independent claim 1 recites a suction adapter having a manifold with a suction port and first and second device ports. "[A] flexible flow valve [has] an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the

flexible flow valve permitting simultaneous fluid flow between the suction port and both the first and second device ports.” Edwards does not disclose or suggest at least these aspects of the claimed invention either alone or in combination with the other aspects of the claimed invention.

Edwards discloses a pressure infusion apparatus 10 including a dump valve 40.

[D]ump valve 40 generally comprises a valve body 80 having an inlet 82 coupled to a length of flexible tubing 34 and an outlet 84 coupled to another length of flexible tubing 34. The inlet 82 also comprises a "duckbill" type check valve 86, although other forms of check valves are as suitable without departing from the scope of this invention. An extension 88 of the valve body 80 also includes a luer valve 90, which is adapted to release built-up pressures within the pressure infusion apparatus in a well known manner.

(Col. 7, lines 22-32). Specifically, dump valve 40, connected to pressure cuff 14 via flexible tubing 34, is “used to release pressure from the bladder means of the pressure cuff 14 as necessary.” (Col. 4, lines 60-63).

On page 4 of the final Office Action, the Examiner appears to assert that the opening adjacent outlet 84 corresponds to the claimed “suction port,” the opening adjacent inlet 82 corresponds to the claimed “first device port,” the opening adjacent extension 88 leading to luer valve 90 corresponds to the claimed “second device port,” and check valve 86 corresponds to the claimed “flexible flow valve.” Even assuming *arguendo* that these relationships are correct, Edwards does not disclose or suggest, “a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the flexible flow valve permitting simultaneous fluid flow

between the suction port and both the first and second device ports,” as set forth in claim 1.

Edwards does not disclose any fluid flow between inlet 82 (the alleged first device port) and extension 88 (the alleged second device port). Dump valve 40 is specifically configured so that all fluid entering inlet 82 flows to pressure cuff 14 via outlet 84 (the alleged suction port). Edwards discloses that extension 88 and its integral luer valve 90 are for *only* releasing pressure from cuff 14. Extension 88 and valve 90 do not receive fluid flow from inlet 82. In addition, since no fluid enters dump valve 40 via valve 90 and extension 88, and valve 86 is disclosed as a one-way check valve, no fluid flows from extension 88 to inlet 82. Thus, there is no flow path between inlet 82 and the opening adjacent port 88.

For at least these reasons, Edwards does not disclose or suggest at least “a flexible flow valve having an opening positioned in both a first flow path between the first device port and the second device port and a second flow path between the first device port and the suction port, the flexible flow valve permitting simultaneous fluid flow between the suction port and both the first and second device ports.” Applicants respectfully request withdrawal of the Section 102(b) rejection based on Edwards.

As the Section 103(a) rejection does not address the aforementioned deficiencies of Edwards, Applicants respectfully request withdrawal of the Section 103(a) rejections based on Edwards.

Applicants further submit that claims 2-24 depend from independent claim 1, and are therefore allowable for at least the same reasons that independent claim 1 is

allowable. In addition, each of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore also are separately patentable.

Applicants respectfully request that this Request for Reconsideration After Final be considered by the Examiner, placing claims 1-24 in condition for allowance. No new issues are raised, and this response does not necessitate the undertaking of any additional search of the art by the Examiner, as all of the elements and their relationships claimed were earlier claimed verbatim. Therefore, this Request for Reconsideration After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments and new art against Applicants' invention. It is respectfully submitted that the consideration of this Request for Reconsideration After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

In view of the foregoing remarks, this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. For example, Applicants do not necessarily agree with comments on page 4-5 of the final Office Action regarding the nature of dependent claims 17-20 or the rejection of certain dependent claims. Unless

expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the claims in this Request for Reconsideration After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Request for Reconsideration After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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